

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

HELEN HANKS, on behalf of herself and all
others similarly situated,

Plaintiff,

VS.

THE LINCOLN LIFE & ANNUITY COMPANY OF NEW YORK; VOYA RETIREMENT INSURANCE AND ANNUITY COMPANY, formerly known as Aetna Life Insurance and Annuity Company,

Defendants.

Civil Action No. 16-cv-6399

**NOTICE OF MOTION AND MOTION FOR APPROVAL OF
FORM AND MANNER OF CLASS NOTICE
PURSUANT TO THE COURT’S MARCH 13, 2019 ORDER (DKT. #110)**

Please take notice that pursuant to Federal Rule of Civil Procedure 23(c) and the Court's March 13, 2019 Order, Class Counsel hereby moves this Court for an order approving the proposed form of notice to class members and a plan for distributing notice described in the accompanying memorandum of points and authorities and declarations of Nicholas N. Spear and Jennifer M. Keough. Defendant Voya Retirement Insurance and Annuity Company has informed Class Counsel that they will not oppose this motion.

This motion is based upon this notice, the aforementioned memorandum of law and declarations filed concurrently herewith, all the pleadings, documents, and records on file herein, and on such other evidence and argument as may be requested or permitted by the Court on this motion.

Dated: April 3, 2019

/s/ Seth Ard

Seth Ard

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Class Counsel

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been served on the following counsel, this April 3, 2019.

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/s/ Nicholas N. Spear
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